

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

:
:
:
**IN RE: ACTIQ SALES AND MARKETING
PRACTICES LITIGATION** : **CIVIL ACTION**
: **NO. 07-4492**
:
:
:
:
:

ORDER

AND NOW, this ___ of May, 2009, upon consideration of Defendant's Motion for Judgment on the Pleadings (Doc. 39), Plaintiffs' Motion for Leave to File Second Amended Consolidated Class Action Complaint (Doc. 69), Defendant's Motion for Protective Order and to Quash Subpoenas (Doc. 95), Defendant's Motion to File Reply Brief (Doc. 98), and all responses thereto, **IT IS HEREBY ORDERED** **AND DECREED** as follows:

1. Defendant's Motion for Judgment on the Pleadings as to the RICO Counts is **GRANTED**, and the RICO Counts are **DISMISSED WITH PREJUDICE**;
2. Plaintiff's Motion for Leave to File Second Amended Consolidated Class Action Complaint and to Add an Additional Plaintiff is **GRANTED**;
4. Defendant's Motion for Protective Order and to Quash Subpoenas is **DENIED**; and
5. Defendant's Motion to File Reply Brief is **DENIED**.

IT IS FURTHER ORDERED that Plaintiffs' Motion for Voluntary Dismissal of Plaintiff Employers Mutual Casualty Company (Doc. 30), Plaintiffs' Motion to Compel Defendant (Doc. 40), Plaintiffs' Motion to Compel (Doc. 44), Defendant's Motion to Compel Discovery from Plaintiffs (Doc. 55), and Plaintiffs' Second Motion to Compel (Doc. 84) shall be referred to Magistrate Judge Linda K. Caracappa for resolution.

BY THE COURT:

/s/ Petrese B. Tucker

Hon. Petrese B. Tucker, U.S.D.J.